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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,069	03/01/2002	Lynn G. Hilden	P56668	9121

7590 05/30/2003

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EXAMINER

BEHREND, HARVEY E

ART UNIT PAPER NUMBER

3641

DATE MAILED: 05/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085069

Applicant(s)

Hilden

Examiner

Behrend

Group/Art Unit

3681

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE one MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 3/12/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-35 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☐ Claim(s) _____ is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claim(s) 1-35 are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

Office Action Summary

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1. In a telephone conversation on 5/23/03, applicants attorney, Mr. Bushnell, indicated he did not clearly understand the election of species requirement set forth in section 2 of the 2/12/03 Office action.

Accordingly, the 2/12/03 Office action is withdrawn and the following is substituted therefor.

2. This application contains claims directed to the following patentably distinct species of the claimed invention. Applicant is required under 35 USC 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be patentable. Currently, no claim is generic.

I. Wherein the tubing is semi-flexible (as illustrated in Fig. 3 and described in the paragraph bridging pages 13 and 14 of the specification).

II. Wherein the tubing is coiled (as illustrated in Fig. 27).

3. Upon election of one of the species set forth above as I and II, applicant is further required under 35 USC 121 to elect a single specie of what each of the first and second ends of the transfer line are connected (i.e. to a single end fitting such as a percussion primer only, or, a standard HE end fitting only (as in Fig. 17) or, further to a multi-port transfer manifold as shown for example in Figs. 26 A-L), for purposes of examination. This additional requirement is to facilitate examining due to the diverse configurations disclosed and claimed.

It is noted in this respect for example, that applicants Figs. 9, 11, 17, 18, 19, 27, 32 illustrate (and the corresponding pages in the specification describe) situations wherein

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each end of the transfer line is connected to only one of a percussion primer, standard loaded LE, standard loaded HE.

4. If applicant elects a multi-port manifold for connection to one or both ends of the transfer line, applicant is required under 35 USC 121 to elect the number of ports in the manifold (i.e. whether a two-port, a three-port or a four port manifold) as well as to what each port is further connected to (e.g. to a standard loaded LE, a standard loaded HE, etc.), for purposes of examination.

5. Upon election of one of the species set forth above as I and II, applicant is further required under 35 USC 121 to elect a single specie of each end fitting present, i.e. whether PP, standard loaded LE, standard loaded HE, or the loaded HE end of Fig. 32, for purposes of examination. This additional requirement is to facilitate examining due to the diverse combinations disclosed and claimed.

6. Applicant is advised that a reply to the election of species requirements must include an identification of the species that is elected consonant with the requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added

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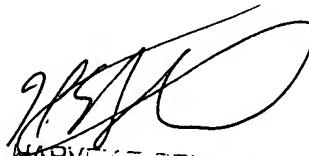
after the election, applicant must indicate which are readable upon the elected species, MPEP 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C 103(a) of the other invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harvey Behrend whose telephone number is (703) 305-1831. The examiner can normally be reached on Tuesday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306-4198. The fax phone number for the organization where is application or proceeding is assigned is (703) 306-4195.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


HARVEY E. BEHREND
PRIMARY EXAMINER

Behrend/kn
May 27, 2003